

REMARKS

This is in response to the Office Action of April 16, 2007. Claims 1-6 are amended to refer to preferred embodiments of the invention, based upon such disclosure as that in lines 20-23 on page 9 of the specification. Claims 7-10 correspond to original claims 1-4. No new matter is introduced by this Amendment. Claims 1-10 are before the Examiner for reconsideration.

Objection

Objection was raised to claims 4 and 6, due to their form. All of the claims presently pending in the application employ the form suggested by the Examiner.

Rejection

Claims 1-6 had been rejected under 35 U.S.C. § 102(b) as being anticipated by US 6,193,986 B1 (Sakurada). It is respectfully submitted that the rejection does not apply to the claims presently before the Examiner.

Sakurada discloses a water-in-oil emulsion, not an oil-in-water emulsion. See column 2, line 37; column 7, lines 32-42 ("mixing the aqueous phase with an oil phase ... to finally obtain a W/O-type emulsion"); and Sakurada claim 11. The Sakurada water-in-oil emulsions are divergent from the oil-in-water emulsions of the present invention.

Also, moreover, Sakurada fails to teach or suggest sucrose acetate isobutyrate, as required by claims 1-6 herein. Unexpectedly superior effects due to the use of sucrose acetate isobutyrate are demonstrated in Applicants' Examples.

Accordingly, the inventions of present claims 1-10 are neither anticipated by nor rendered obvious by the Sakurada disclosure. Withdrawal of the rejection based upon the Sakurada disclosure is in order.

Conclusion

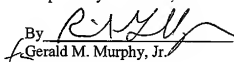
Entry of the above amendments, and due consideration of the above arguments, are earnestly solicited. Early and favorable action on the merits of claims 1-10 is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: July 12, 2007

Respectfully submitted,

By  #28,781

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